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1 optics.

2 Q. (BY MR. SEBY) So is that the reason why  
3 you let the protesters stay so long?

4 MS. ZILIOI: Objection; assume facts,  
5 misstates evidence.

6 A. So we didn't do anything in a vacuum.  
7 Again, I think that this was an interagency decision.  
8 They were -- DOI, DOJ, in close coordination with the  
9 Department of Defense, were really the drivers behind  
10 those decisions. Had we been told to do something else  
11 or we had been given other venues available, we  
12 certainly would have done that. But at this point, and  
13 probably as early as the middle of -- middle of  
14 October, the Corps was really out of the process of  
15 determining how to resolve this. This was much more of  
16 an interagency and Administration decision.

17 Q. (BY MR. SEBY) And what was the day -- the  
18 date that you said the Corps was really out of the  
19 process and the interagency decision took -- took over?

20 A. Well, I don't know the date you said of  
21 that -- that announcement, but I would say that --

22 Q. September 9th.

23 A. -- this all started probably with that  
24 joint announcement that took the Corps kind of out of  
25 it in early September. So this was a -- this was the

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1 beginning of something that continued to get, I think,  
2 more and more out of our control.

3 Q. Yeah. September 9th was the Joint  
4 Statement.

5 A. That's correct.

6 Q. Sure, sure. Thank you for that. That was  
7 helpful to understand. So -- and I -- we got to that  
8 point of discussion because I had asked, at what point  
9 did the Corps let those people stay. And I think  
10 you've clarified that, you know, it got to  
11 September 9th and the -- off the shelf came the Joint  
12 Statement, on the same day that the Corps' decisions  
13 were upheld against a challenge by the -- by the  
14 tribes, including the Standing Rock Sioux Tribe. And  
15 that even though you put one, the Administration,  
16 through the interagency decision-making process, that's  
17 when they decided to let those people stay, right?

18 MS. ZILIOLI: Objection; misstates  
19 evidence, assumes facts.

20 A. So again, I think this was getting to be a  
21 national strategic problem.

22 Q. (BY MR. SEBY) Yeah.

23 A. And so as a result, I don't know for sure,  
24 but I think at some point I remember the National  
25 Security Council was involved. I know the White House

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1 was involved. In later years, I did a lot of work  
2 personally with the White House and some of these  
3 interagencies. At this point, I had been in command, I  
4 guess, three to four to five months. I was not well  
5 known by the White House, the Obama Administration, or  
6 probably any of the secretaries of the interagency. I  
7 didn't work at that level at this point. And so as a  
8 result, we got most of our direction from Ms. Darcy  
9 either -- verbally on either what to do or, primarily,  
10 maybe what we were not going to do.

11 Q. General -- and so Ms. Darcy gave you  
12 direction on what to do?

13 A. I think she -- this probably goes back to  
14 the discussion we had earlier on continuing to study  
15 the issue and come back and give us more of your  
16 decision -- more of your evidence on -- with respect to  
17 the approval of the permit. I'm not sure Ms. Darcy  
18 ever gave us any specific direction on the protest. I  
19 believe most of that came through DOJ and probably  
20 through DOI.

21 Q. The what to do with respect to the protest  
22 direction came from Department of the Interior?

23 A. So I just don't know where that came from.  
24 I know that most of this was a working group of about  
25 five or six different agencies who, I'm assuming, met